

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CT102 LLC d/b/a METRO MOTORS and  
H. JEFFREY BAKER,  
Plaintiffs,

v.

AUTOMOTIVE FINANCE CORPORATION  
d/b/a AFC; NEXTGEAR CAPITAL, INC.;  
MANHEIM, INC.; and ADESA, INC.,  
Defendants.

C.A. No. 1:20-CV-00356-MSM-PAS

**MOTION OF DEFENDANT AUTOMOTIVE FINANCE CORPORATION d/b/a AFC  
TO DISMISS SECOND AMENDED COMPLAINT**

Defendant Automotive Finance Corporation d/b/a AFC (“AFC”), by counsel, and pursuant to Federal Rule of Civil Procedure 12(b)(6), hereby moves the Court to dismiss all claims asserted in the *Second Amended Complaint* filed by plaintiffs CT102 LLC d/b/a Metro Motors and H. Jeffrey Baker against AFC.

In support of this Motion, and pursuant to D. R.I LR 7, AFC relies upon its Memorandum of Law in Support of Motion to Dismiss Plaintiff’s Second Amended Complaint as to Defendant Automotive Finance Corporation d/b/a AFC and all documents attached thereto (including those filed with AFC’s Motion to Dismiss the First Amended Complaint [Doc. No. 23], the multiple Notices of Related Actions or Proceedings [Doc. Nos. 22, 27, 35, 26, 41, 45], all matters of record, and those matters of which the Court may take judicial notice.

Respectfully submitted,

/s/ Joseph V. Cavanagh, III  
Joseph V. Cavanagh, III (#6907)  
Blish & Cavanagh, LLP  
30 Exchange Terrace  
Providence, RI 02903-1765  
Tel: (401) 831-8900; Fax: (401) 751-7542  
Email: [jvc3@blishcavlaw.com](mailto:jvc3@blishcavlaw.com)

/s/Reynold T. Berry  
Reynold T. Berry (Ind. Atty #25482-49)  
Admitted Pro Hac Vice  
RUBIN & LEVIN, P.C.  
135 N. Pennsylvania St., Suite 1400  
Indianapolis, IN 46204  
(317) 634-0300 - FAX No. (317) 263-9410  
Email: [rberry@rubin-levin.net](mailto:rberry@rubin-levin.net)

*Attorneys for Automotive Finance  
Corporation d/b/a AFC and ADESA, Inc.*

**Request for Oral Argument**

Pursuant to LR Cv 7(c) AFC hereby requests oral argument on the instant Motion and estimates that thirty (30) minutes will be required for same.

**CERTIFICATE OF SERVICE**

I hereby certify that on November 8, 2021, I caused a true copy of the foregoing document to be filed using the CM/ECF System and it is available for viewing and downloading by all counsel of record as follows:

Harris K. Weiner  
Salter McGowan Sylvia & Leonard, Inc.  
Email: [hweiner@smsllaw.com](mailto:hweiner@smsllaw.com)

Katharine E. Kohm  
Pierce Atwood LLP  
Email: [kkohm@pierceatwood.com](mailto:kkohm@pierceatwood.com)

David J. Jurkiewicz  
Bose, McKinney & Evans LLP  
Email: [djurkiewicz@boselaw.com](mailto:djurkiewicz@boselaw.com)

/s/ Joseph V. Cavanagh, III